

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Roy George Wilson, # 276454,)	C/A No. 5:12-0366-SB-KDW
)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Michael McCall,)	
)	
)	
Respondent.)	

This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner is a state prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to district court). Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge.

Petitioner has requested to proceed without prepaying the filing fee by filing an Application to Proceed without Prepayment of Fees and Affidavit (Form AO 240), which is being construed as a Motion for Leave to Proceed *in forma pauperis*. Based on a review of the Motion, Petitioner's Motion to Proceed *in forma pauperis* (ECF No. 2) is **granted**.

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2254 Petition upon Respondent because the Petition is subject to summary dismissal for failure to exhaust state court remedies.

The Clerk of Court shall not enter any change of address submitted by Petitioner which directs that mail be sent to a person other than Petitioner unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

TO PETITIONER:

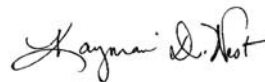
Petitioner must place the Civil Action Number (C/A No.) listed above on any document filed in connection with this case. **Any future filings by Petitioner in this case must be sent to the**

Clerk's Office in Florence (Post Office Box 2317, Florence, South Carolina 29503). All documents requiring Petitioner's signature shall be signed with Petitioner's full legal name written in Petitioner's own handwriting. *Pro se* litigants, such as Petitioner, shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Petitioner is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Petitioner is further instructed not to write to the edge of the paper, but to maintain one-inch margins on the top, bottom, and sides of each paper submitted.

Petitioner is a pro se litigant. Petitioner's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing** **(Post Office Box 2317, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that Orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the court.

IT IS SO ORDERED.



February 23, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge